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Legislative History – Montana Session Law

Chapter: 275

Session L: 2025

Bill Number: HB 400

Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House

Committee: Judiciary

Hearing Date(s): 2/14/2025

Committee Report: 2/17/2025

Senate

Committee: Judiciary

Hearing Date(s): 4/2/2025

Committee Report: 4/3/2025

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 10/14/2025

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank you!



69th Legislature 2025 Session
HB400-Status-10-14-25

Status Date	Action	Committee	Hearing Date	Yes Votes	No Votes
05/05/2025 09:17 am	Chapter Number Assigned				
05/01/2025 03:14 pm	(H) Signed by Governor				
04/25/2025 11:55 am	(H) Transmitted to Governor				
04/25/2025 07:30 am	(S) Signed by President				
04/23/2025 04:30 pm	(H) Signed by Speaker				
04/15/2025 12:41 am	(H) Returned from Enrolling				
04/11/2025 03:30 pm	(H) Sent to Enrolling				
04/11/2025 03:29 pm	(S) 3rd Reading Concurred			28	20
04/11/2025 10:00 am	(S) Scheduled for 3rd Reading				
04/10/2025 09:57 am	(S) 2nd Reading Concurred			28	22
04/10/2025 08:30 am	(S) Scheduled for 2nd Reading				
04/03/2025 02:26 pm	(S) Committee Report--Bill Concurred				
04/03/2025 11:57 am	(S) Committee Executive Action--Bill Concurred	(S) Judiciary		5	3
03/28/2025 01:31 pm	(S) Hearing	(S) Judiciary	04/02/2025 08:00 am Room 303		
03/03/2025 11:11 am	(S) Referred to Committee	(S) Judiciary			
02/24/2025 01:27 pm	(S) First Reading				
02/21/2025 03:30 pm	(H) Transmitted to Senate				
02/21/2025 03:10 pm	(H) 3rd Reading Passed			56	42
02/21/2025 01:00 pm	(H) Scheduled for 3rd Reading				
02/20/2025 02:06 pm	(H) 2nd Reading Passed			58	42
02/20/2025 01:00 pm	(H) Scheduled for 2nd Reading				
02/17/2025 01:29 pm	(H) Committee Report--Bill Passed as Amended				
02/17/2025 11:33 am	(H) Committee Executive Action--Bill Passed as Amended	(H) Judiciary		12	8

Status Date	Action	Committee	Hearing Date	Yes Votes	No Votes
02/11/2025 09:22 am	(H) Hearing	(H) Judiciary	02/14/2025 08:00 am Room 137		
02/06/2025 01:22 pm	(H) First Reading				
02/06/2025 10:55 am	(H) Referred to Committee	(H) Judiciary			
02/05/2025 03:05 pm	(H) Introduced				
02/04/2025 12:53 pm	(LC) Draft Delivered to Requester				
02/04/2025 06:10 am	(LC) Draft Ready for Delivery				
01/31/2025 11:05 am	(LC) Draft in Assembly				
01/31/2025 10:50 am	(LC) Draft in Final Drafter Review				
01/31/2025 10:33 am	(LC) Draft in Input/Proofing				
01/31/2025 10:11 am	(LC) Draft in Edit				
01/31/2025 09:41 am	(LC) Draft in Legal Review				
11/16/2024 03:01 pm	(LC) Drafter Assigned				



AN ACT ESTABLISHING THE FREE TO SPEAK ACT; PROHIBITING PUBLIC SCHOOLS OR THE STATE FROM IMPOSING DISCIPLINARY OR OTHER ADVERSE ACTIONS ON A STUDENT OR EMPLOYEE WHO REFUSES TO USE CERTAIN SPEECH; PROVIDING A CAUSE OF ACTION FOR VIOLATIONS OF THE FREE TO SPEAK ACT; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 4] may be cited as the "Free to Speak Act".

Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

- (1) "Employee" means an individual who is employed or contracted by a public school or the state.
- (2) "Noncharter public school" has the meaning provided in 20-6-803.
- (3) "Person" has the meaning provided in 1-1-201.
- (4) "Public charter school" has the meaning provided in 20-6-803.
- (5) (a) "Public school" means a noncharter public school, a public charter school, or a public institution of higher education.
(b) The term does not include a nonpublic school or home school as described in 20-5-102(2)(e).
- (6) "Sex" has the meaning provided in 1-1-201.
- (7) "State" means the state of Montana or a county, municipality, board, commission, department, institution, or special district, or a subdivision or agency of the state of Montana or a county, municipality, board, commission, department, institution, or special district.
- (8) "Student" means an individual who is enrolled in a public school on a full-time or part-time basis.

Section 3. Protection against compelled speech. (1) A student may not be subject to a disciplinary action for declining to:

- (a) identify the student's pronouns; or
- (b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

(2) An employee, regardless of the scope of the employee's official duties, may not be subject to an adverse employment action for declining to:

- (a) identify the employee's pronouns while acting within the scope of employment; or
- (b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

(3) The state may not penalize or take an adverse action against a person because the person declines to:

- (a) identify the person's pronouns; or
- (b) address another person by using a name other than the other person's legal name or a derivative of the other person's legal name or by using a pronoun or a title that is inconsistent with the other person's sex.

Section 4. Private cause of action -- penalties -- limitation. (1) A person who is harmed by a violation of [sections 1 through 4] may bring a cause of action against a public school or the state for injunctive relief, monetary damages, reasonable attorney fees and costs, and any other appropriate relief.

(2) A civil action brought pursuant to this section must be initiated within 2 years after the violation of [sections 1 through 4] occurs.

Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 49, chapter 1, part 1, and the provisions of Title 49, chapter 1, part 1, apply to [sections 1 through 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the

invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 400, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 400

INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, S. KELLY, S. KLAKKEN, E. ALBUS, K. LOVE, G. OVERSTREET, T. SHARP, E. BYRNE, R. GREGG, L. BENNETT, C. SCHOMER, C. COCHRAN, M. THIEL, T. MILLETT, T. MANZELLA, E. BUTTREY, J. FULLER, B. GILLESPIE, S. GIST, C. HINKLE, R. MARSHALL, N. NICOL, A. REGIER, S. VANCE, J. KASSMIER, G. LAMMERS, M. YAKAWICH, S. FITZPATRICK, C. GLIMM, B. LER, J. SCHILLINGER, G. OBLANDER, K. ZOLNIKOV, J. ETCHART, L. DEMING, B. USHER, J. GILLETTE, L. BREWSTER, N. DURAM, T. FALK, P. FIELDER, F. MANDEVILLE, T. MCGILLVRAY, M. NOLAND, G. PARRY, L. REKSTEN, K. SEEKINS-CROWE, J. TREBAS, Z. WIRTH, S. MANESS, K. BOGNER, B. BEARD, S. ESSMANN, J. HINKLE, B. PHALEN, V. MOORE

AN ACT ESTABLISHING THE FREE TO SPEAK ACT; PROHIBITING PUBLIC SCHOOLS OR THE STATE FROM IMPOSING DISCIPLINARY OR OTHER ADVERSE ACTIONS ON A STUDENT OR EMPLOYEE WHO REFUSES TO USE CERTAIN SPEECH; PROVIDING A CAUSE OF ACTION FOR VIOLATIONS OF THE FREE TO SPEAK ACT; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE "FREE TO SPEAK ACT"; PROHIBITING PUBLIC SCHOOLS OR THE STATE FROM IMPOSING DISCIPLINARY OR OTHER ADVERSE ACTIONS ON A STUDENT OR EMPLOYEE WHO REFUSES TO USE CERTAIN SPEECH; PROVIDING A CAUSE OF ACTION FOR VIOLATIONS OF THE FREE TO SPEAK ACT; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Free to Speak Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

- (1) "Employee" means an individual who is employed or contract by a public school or the state.
- (2) "Noncharter public school" has the meaning provided in 20-6-803.
- (3) "Public charter school" has the meaning provided in 20-6-803.
- (4) (a) "Public school" means a noncharter public school, a public charter school, or a public institution of higher education.

1 (b) The term does not include a nonpublic school or home school as described in 20-5-102(2)(e).

2 (5) "Sex" has the meaning provided in 1-1-201.

3 (6) "State" means the state of Montana or a county, municipality, board, commission, department,
4 institution, or special district, or a subdivision or agency of the state of Montana or a county, municipality, board,
5 commission, department, institution, or special district.

6 (7) "Student" means an individual who is enrolled in a public school on a full-time or part-time
7 basis.

8

9 **NEW SECTION. Section 3. Protection against compelled speech.** (1) A student may not be
10 subject to a disciplinary action for declining to:

11 (a) identify the student's pronouns; or

12 (b) address a person by using a name other than the person's legal name or a derivative of the
13 person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

14 (2) An employee, regardless of the scope of the employee's official duties, may not be subject to
15 an adverse employment action for declining to:

16 (a) identify the employee's pronouns while acting within the scope of employment; or

17 (b) address a person by using a name other than the person's legal name or a derivative of the
18 person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

19 (3) The state may not penalize or take an adverse action against a person because the person
20 declines to:

21 (a) identify the person's pronouns; or

22 (b) address another person by using a name other than the other person's legal name or a
23 derivative of the other person's legal name or by using a pronoun or a title that is inconsistent with the other
24 person's sex.

25

26 **NEW SECTION. Section 4. Private cause of action -- penalties -- limitation.** (1) A person who is
27 harmed by a violation of [sections 1 through 4] may bring a cause of action against a public school or the state
28 for injunctive relief, monetary damages, reasonable attorney fees and costs, and any other appropriate relief.

1 (2) A civil action brought pursuant to this section must be initiated within 2 years after the violation
2 of [sections 1 through 4] occurs.

3
4 NEW SECTION. **Section 5. Codification instruction.** [Sections 1 through 4] are intended to be
5 codified as an integral part of Title 49, chapter 1, part 1, and the provisions of Title 49, chapter 1, part 1, apply
6 to [sections 1 through 4].

7

8 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are

9 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

10 the part remains in effect in all valid applications that are severable from the invalid applications.

11

12 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

13 - END -

HOUSE BILL NO. 400

INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, S. KELLY, S. KLAKKEN, E. ALBUS, K. LOVE, G. OVERSTREET, T. SHARP, E. BYRNE, R. GREGG, L. BENNETT, C. SCHOMER, C. COCHRAN, M. THIEL, T. MILLETT, T. MANZELLA, E. BUTTREY, J. FULLER, B. GILLESPIE, S. GIST, C. HINKLE, R. MARSHALL, N. NICOL, A. REGIER, S. VANCE, J. KASSMIER, G. LAMMERS, M. YAKAWICH, S. FITZPATRICK, C. GLIMM, B. LER, J. SCHILLINGER, G. OBLANDER, K. ZOLNIKOV, J. ETCHART, L. DEMING, B. USHER, J. GILLETTE, L. BREWSTER, N. DURAM, T. FALK, P. FIELDER, F. MANDEVILLE, T. MCGILLVRAY, M. NOLAND, G. PARRY, L. REKSTEN, K. SEEKINS-CROWE, J. TREBAS, Z. WIRTH, S. MANESS, K. BOGNER, B. BEARD, S. ESSMANN, J. HINKLE, B. PHALEN, V. MOORE

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NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Free to Speak Act".

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(2) "Noncharter public school" has the meaning provided in 20-6-803.

(3) "PERSON" HAS THE MEANING PROVIDED IN 1-1-201.

~~(3)~~ (4) "Public charter school" has the meaning provided in 20-6-803.

(4) (5) (a) "Public school" means a noncharter public school, a public charter school, or a public institution of higher education.

(b) The term does not include a nonpublic school or home school as described in 20-5-102(2)(e).

(5) (6) "Sex" has the meaning provided in 1-1-201.

(6) (7) "State" means the state of Montana or a county, municipality, board, commission, department, institution, or special district, or a subdivision or agency of the state of Montana or a county, municipality, board, commission, department, institution, or special district.

(7) (8) "Student" means an individual who is enrolled in a public school on a full-time or part-time basis.

NEW SECTION. Section 3. Protection against compelled speech. (1) A student may not be subject to a disciplinary action for declining to:

(a) identify the student's pronouns; or

(b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

(2) An employee, regardless of the scope of the employee's official duties, may not be subject to an adverse employment action for declining to:

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(3) The state may not penalize or take an adverse action against a person because the person declines to:

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NEW SECTION. Section 4. Private cause of action -- penalties -- limitation. (1) A person who is

1 harmed by a violation of [sections 1 through 4] may bring a cause of action against a public school or the state
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4 of [sections 1 through 4] occurs.

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14 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

15 - END -



AN ACT ESTABLISHING THE FREE TO SPEAK ACT; PROHIBITING PUBLIC SCHOOLS OR THE STATE FROM IMPOSING DISCIPLINARY OR OTHER ADVERSE ACTIONS ON A STUDENT OR EMPLOYEE WHO REFUSES TO USE CERTAIN SPEECH; PROVIDING A CAUSE OF ACTION FOR VIOLATIONS OF THE FREE TO SPEAK ACT; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(3) "Person" has the meaning provided in 1-1-201.

~~(3)(4)~~ "Public charter school" has the meaning provided in 20-6-803.

~~(4)(5)~~ (a) "Public school" means a noncharter public school, a public charter school, or a public institution of higher education.

(b) The term does not include a nonpublic school or home school as described in 20-5-102(2)(e).

~~(5)(6)~~ "Sex" has the meaning provided in 1-1-201.

~~(6)(7)~~ "State" means the state of Montana or a county, municipality, board, commission, department, institution, or special district, or a subdivision or agency of the state of Montana or a county, municipality, board, commission, department, institution, or special district.

~~(7)(8)~~ "Student" means an individual who is enrolled in a public school on a full-time or part-time basis.

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- (a) identify the student's pronouns; or
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(2) An employee, regardless of the scope of the employee's official duties, may not be subject to an adverse employment action for declining to:

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I hereby certify that the within bill,
HB 400, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 400

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(2) "Noncharter public school" has the meaning provided in 20-6-803.

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(3)(4) "Public charter school" has the meaning provided in 20-6-803.

(4)(5) (a) "Public school" means a noncharter public school, a public charter school, or a public institution of higher education.

(b) The term does not include a nonpublic school or home school as described in 20-5-102(2)(e).

(5)(6) "Sex" has the meaning provided in 1-1-201.

(6)(7) "State" means the state of Montana or a county, municipality, board, commission, department, institution, or special district, or a subdivision or agency of the state of Montana or a county, municipality, board, commission, department, institution, or special district.

(7)(8) "Student" means an individual who is enrolled in a public school on a full-time or part-time basis.

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(2) An employee, regardless of the scope of the employee's official duties, may not be subject to an adverse employment action for declining to:

(a) identify the employee's pronouns while acting within the scope of employment; or

(b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

(3) The state may not penalize or take an adverse action against a person because the person declines to:

(a) identify the person's pronouns; or

(b) address another person by using a name other than the other person's legal name or a derivative of the other person's legal name or by using a pronoun or a title that is inconsistent with the other person's sex.

NEW SECTION. Section 4. Private cause of action -- penalties -- limitation. (1) A person who is

1 harmed by a violation of [sections 1 through 4] may bring a cause of action against a public school or the state
2 for injunctive relief, monetary damages, reasonable attorney fees and costs, and any other appropriate relief.

3 (2) A civil action brought pursuant to this section must be initiated within 2 years after the violation
4 of [sections 1 through 4] occurs.

5
6 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be
7 codified as an integral part of Title 49, chapter 1, part 1, and the provisions of Title 49, chapter 1, part 1, apply
8 to [sections 1 through 4].

9
10 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are
11 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
12 the part remains in effect in all valid applications that are severable from the invalid applications.

13
14 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

15 - END -

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
69th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) JUDICIARY

Call to Order: Chair Amy Regier-R, on February 14, 2025 at 8:00 AM, in Room 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Lee Deming, Vice Chair (R)
Rep. Tom France, Vice Chair (D)
Rep. Denise Baum (D)
Rep. Melody Cunningham (D)
Rep. Jodee Etchart (R)
Rep. Alanah Griffith (D)
Rep. Jedediah Hinkle (R)
Rep. Denise Joy (D)
Rep. Shane Klakken (R)
Rep. Greg Kmetz (R)
Rep. Tom Millett (R)
Rep. Braxton Mitchell (R)
Rep. Greg Overstreet (R)
Rep. Tracy Sharp (R)
Rep. Ed Stafman (D)
Rep. Zooey Zephyr (D)

Members Excused: Rep. Caleb Hinkle (R)
Rep. SJ Howell (D)
Rep. Steven Kelly (R)

Staff Present: Joseph Carroll, Attorney
Macy McCauley, Clerk
Rachel Weiss, Research Director

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 388 02/06/2025
HB 400 02/06/2025
HB 439 02/11/2025

HJ 14 02/11/2025
Executive Action:

HEARING ON HB 388 - Create pregnancy center autonomy and rights of expression act

Opening Statement:

08:02:25 Chair Amy Regier (R), HD 6, opening statement on HB 388, Create pregnancy center autonomy and rights of expression act.

Proponent Testimony:

08:04:46 Tracy Ullrey, CEO, Options Clinic (OC)
08:07:03 Derek Oestreicher, Montana Family Foundation (MFF)
08:08:55 Tina Wooley, Registered Nurse, Options Clinic (OC)
08:11:39 Erin Laws, Montana Medical Freedom Alliance (MMFA)
08:13:44 Kellie Longtine, Registered Nurse, Options Clinic (OC)
08:16:17 Matthew Brower, Director, Montana Catholic Conference (MCC)
08:17:26 Denise Burke, Alliance Defending Freedom (ADF)
08:19:40 Cindy Norstog, CEO, Lavie Health, Billings (LH)
08:22:13 Robin Sertell, Montanas for Life (MFL)
08:24:43 Anna Shchemelinin, Self

Opponent Testimony:

08:26:25 Quinn Leighton, Planned Parenthood Advocates Montana (PPAM)
08:29:09 Tess Fields, Director, Blue Mountain Clinic (BMC): EXHIBIT -
<https://docs.legmt.gov/download-ticket?ticketId=1b532d99-2c0b-4aa1-9a7e-f18773e83542>
08:32:38 Robin Turner, Legal Voice (LV)
08:35:39 Hope Morrison, University of Montana (UM)
08:38:33 Anne Angus, Self
08:40:44 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence

08:41:22 Stephanie McDowell, Representing Rachel Dooley

08:43:25 Madison Leverdure, Self

08:46:16 Keegan Nashan, Self

Informational Witness Testimony:

08:47:13 Terra Wooten, Office of Inspector General (OIG)

Questions from Committee:

08:47:49 Rep. Greg Kmetz

08:47:55 Tracy Ullrey (OC)

08:49:31 Rep. Greg Overstreet

08:50:51 Hope Morrison (UM)

08:51:18 Rep. Greg Overstreet

08:51:44 Quinn Leighton (PPAM)

08:52:13 Rep. Jedediah Hinkle

08:52:48 Tracy Ullrey (OC)

08:53:40 Rep. Jedediah Hinkle

08:54:23 Vice Chair Tom France

08:54:40 Vice Chair Lee Deming

08:54:51 Hope Morrison (UM)

08:55:21 Rep. Jedediah Hinkle

08:55:46 Tracy Ullrey (OC)

08:56:45 Rep. Denise Baum

08:57:28 Tracy Ullrey (OC)

08:58:25 Tina Wooley (OC)

09:00:04 Rep. Denise Baum

09:00:40 Tracy Ullrey (OC)

09:01:25	Rep. Ed Stafman
09:02:00	Terra Wooten (OIG)
09:03:29	Rep. Ed Stafman
09:04:41	Chair Amy Regier
09:06:28	Rep. SJ Howell
09:06:58	Terra Wooten (OIG)
09:08:35	Rep. Tracy Sharp
09:09:26	Chair Amy Regier
09:09:58	Rep. Tom Millett
09:10:27	Chair Amy Regier
09:11:18	Rep. Alanah Griffith
09:12:08	Tess Fields (BMC)
09:12:19	Rep. Alanah Griffith
09:12:49	Chair Amy Regier
09:13:25	Denise Burke (ADF)
09:14:31	Rep. Alanah Griffith
09:14:51	Chair Amy Regier
09:15:45	Rep. Greg Overstreet
09:16:30	Derek Oestreicher (MFF)
09:17:40	Rep. Melody Cunningham
09:17:50	Terra Wooten (OIG)
09:18:36	Vice Chair Tom France
09:19:30	Tracy Ullrey (OC)
09:20:55	Rep. Jedediah Hinkle

09:22:59 Quinn Leighton (PPAM)
09:25:57 Rep. Caleb Hinkle
09:26:13 Quinn Leighton (PPAM)
09:27:05 Vice Chair Tom France
09:27:45 Rep. Denise Baum
09:29:44 Tracy Ullrey (OC)
09:30:55 Rep. Tracy Sharp
09:32:07 Derek Oestreicher (MFF)
09:32:35 Rep. Denise Joy
09:33:41 Tess Fields (BMC)
09:35:19 Rep. Greg Kmetz
09:36:15 Quinn Leighton (PPAM)

Closing Statement:

09:36:41 Chair Amy Regier (R), HD 6, closing statement on HB 388.

Discussion

09:50:22 HB 400 - Questions From Committee
09:48:16 Rep. Tom Millett
09:49:00 Patrick Yawakie, Blackfeet Tribe, Chippewa Creek Tribe

HEARING ON HB 400 - Enact the "Free to Speak Act"

Opening Statement:

09:37:51 Rep. Braxton Mitchell (R), HD 5, opening statement on HB 400, Enact the "Free to Speak Act".

Proponent Testimony:

09:40:48 Jordan Carpenter, Legal Counsel, Alliance Defending Freedom (ADF)

09:43:48 Derek Oesteicher, Chief Legal Counsel, Montana Family Foundation (MFF)

09:45:46 Anna Shchemelinin, Self

Opponent Testimony:

09:48:16 Patrick Yawakie, Blackfeet Tribe, Chippewa Creek Tribe (BFT)

09:49:39 Rob Watson, Director, School Administrators of Montana (SAM)

09:50:22 HB 400 - Questions From Committee

09:52:15 Zuri Moreno, Forward Montana

09:53:30 Sean Reagor, Self

09:56:46 Quinn Leighton, Plan Parenthood Advocates of Montana (PPAM)

09:58:34 Ella Smith, City of Missoula (CM)

09:59:43 Fae Wild, Self

10:01:55 Amanda Curtis, President, Montana Federation of Public Employees (MFPE)

10:04:20 SK Rossi, Montana Coalition Against Domestic and Sexual Violence (MCASDV)

10:06:41 Sam Momeyer, Montana Legal Voice (MLV)

10:07:08 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence (MCASDV)

10:07:31 Polly Becker, Self

10:10:10 Jordan Conley, Self

10:11:54 Pari Kemmick, Self

10:13:09 Erika Peterman, Self

Informational Witness Testimony:

None

Questions from Committee:

10:16:17 Rep. Shane Klakken

10:16:50	Amanda Curtis (MFPE)
10:18:12	Rep. Denise Joy
10:18:35	Derek Oesteicher (MFF)
10:19:37	Rep. Denise Joy
10:20:12	Rep. Braxton Mitchell
10:21:19	Rep. Caleb Hinkle
10:22:10	Amanda Curtis (MFPE)
10:23:36	Rep. Caleb Hinkle
10:24:05	Rob Watson (SAM)
10:25:38	Rep. SJ Howell
10:27:00	Amanda Curtis (MFPE)
10:30:58	Rep. SJ Howell
10:31:52	Rob Watson (SAM)
10:32:27	Vice Chair Lee Deming
10:33:00	Rob Watson (SAM)
10:33:16	Rep. Melody Cunningham
10:33:36	Rob Watson (SAM)
10:36:21	Rep. Tom Millett
10:36:44	Rep. Jedediah Hinkle
10:38:29	Rob Watson (SAM)
10:39:44	Rep. Ed Stafman
10:40:50	SK Rossi (MCASDV)
10:41:52	Rep. Alanah Griffith
10:42:38	Rob Watson (SAM)

10:43:12 Rep. Ed Stafman
10:43:38 Rep. Braxton Mitchell
10:44:53 Rep. Denise Baum
10:46:00 Rep. Braxton Mitchell
10:46:52 Rep. Denise Baum
10:47:45 Rob Watson (SAM)
10:48:28 Rep. Jedediah Hinkle
10:50:27 Rob Watson (SAM)

Closing Statement:

10:52:17 Rep. Braxton Mitchell (R), HD 5, closing statement on HB 400.

Discussion

10:53:50 Announcements
10:54:00 Rep. SJ Howell
10:54:18 Rep. Caleb Hinkle
11:48:07 Chair Amy Regier
11:48:22 Vice Chair Tom France

HEARING ON HB 439 - Creating sheriffs' first initiative for cooperation and communication

Opening Statement:

10:54:40 Vice Chair Lee Deming (R), HD 54, opening statement on HB 439, Creating sheriffs' first initiative for cooperation and communication.

Proponent Testimony:

10:53:50 Announcements
10:57:10 Gary Marvut, President, Montana Shooting Sports Association (MSSA)
11:00:15 Sheriff Jessie Slaughter, Cascade County Sheriff's Office (CCSO)

Opponent Testimony:

11:02:58 Shelby DeMars, Montana Police Protective Association (MPPA)
11:05:17 Dan Smith, Director, Montana Police Protective Association (MPPA)
11:06:11 Charles Denowh, Montana Association of Chiefs of Police (MACP)

Informational Witness Testimony:

None

Questions from Committee:

11:07:42 Rep. Denise Joy
11:08:11 Sheriff Jessie Slaughter (CCSO)
11:09:22 Rep. Caleb Hinkle
11:09:40 Sheriff Jessie Slaughter (CCSO)
11:10:33 Rep. Jodee Etchart
11:11:11 Sheriff Jessie Slaughter (CCSO)
11:13:22 Vice Chair Tom France
11:13:56 Sheriff Jessie Slaughter (CCSO)
11:16:30 Rep. Shane Klakken
11:17:30 Sheriff Jessie Slaughter (CCSO)
11:18:38 Rep. Tracy Sharp
11:19:14 Vice Chair Lee Deming
11:20:15 Rep. Melody Cunningham
11:20:54 Shelby DeMars (MPPA)
11:22:47 Rep. Shane Klakken
11:23:17 Vice Chair Lee Deming
11:23:32 Vice Chair Tom France
11:24:11 Shelby DeMars (MPPA)

11:24:23 Rep. Shane Klakken

11:24:51 Vice Chair Lee Deming

Closing Statement:

11:25:14 Vice Chair Lee Deming (R), HD 54, closing statement on HB 439.

HEARING ON HJ 14 - Resolution on Marbury v. Madison

Opening Statement:

11:26:21 Vice Chair Lee Deming (R), HD 54, opening statement on HJ 14, Resolution on Marbury v. Madison.

Proponent Testimony:

None

Opponent Testimony:

11:29:47 Will McLauchlan, College Professor, Self

11:32:24 James King, Self

11:34:26 Bruce Spencer, State Bar of Montana (SBM)

11:37:36 Nikki Zupanic, Montana Trail Lawyers Association (MTLA)

11:40:09 Kris Glenn, Billings, Self

Informational Witness Testimony:

None

Questions from Committee:

11:41:41 Rep. Ed Stafman

11:42:25 Bruce Spencer (SBM)

11:43:04 Rep. Shane Klakken

11:43:20 Professor Will McLauchlan

Closing Statement:

11:45:44 Vice Chair Lee Deming (R), HD 54, closing statement on HJ 14.

ADJOURNMENT

Adjournment: 11:48:37

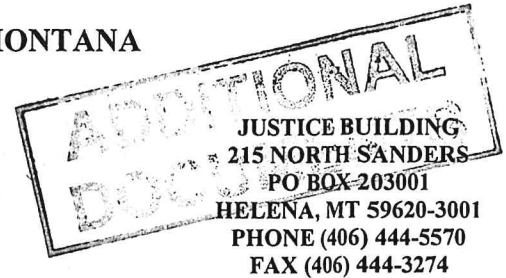
Clerk: Macy McCauley

Additional Documents:

Additional Documents - <https://docs.legmt.gov/download-ticket?ticketId=0304fdfb-29c2-4e7e-a111-a0738441b59e>

THE SUPREME COURT OF MONTANA

CORY J. SWANSON
CHIEF JUSTICE



February 13, 2025

Rep. Amy Regier, Chair
House Judiciary Committee
Montana State Capitol
By Personal Delivery

Representative Regier,

Thank you for the opportunity to address the House Judiciary Committee last week regarding House Bill 322, a bill to reduce the number of Associate Justices on the Montana Supreme Court. Following my testimony, members of your Committee requested additional information on caseloads of the Montana Supreme Court, and also asked for comparisons with Supreme Courts in other states.

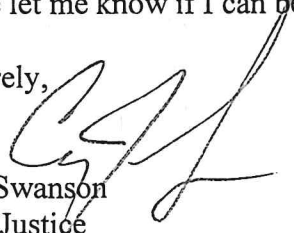
I have compiled some information which I have attached to this letter. Please feel free to give it to any of your committee members who follow this subject. The first attachment is a two-page table that compiles the 50 states with their population, Supreme Court size, and caseload statistics. Page 1 shows all the states with an intermediate appellate court, and page 2 shows the states without one. (See the caveat on the bottom of page 2 regarding Idaho.) We obtained this information from a combination of sources, including judicial branches from each state or national organizations that compile this data.

The data unfortunately does not tell the whole story. For example, Montana issues an Opinion or Order for disposition of every case. Some states do not. We learned that the State of Tennessee only published 24 decisions, despite disposing of 708 cases in the year. So all of this data requires further analysis for comparisons to be meaningful.

The rest of the attached pages contain Montana's case statistics. I included a summary of case averages going back to 1972, and also included yearly case summaries for the past 10 years. I urge your Committee members to browse through the very detailed information contained on the website: <https://courts.mt.gov/clerk/stats/>

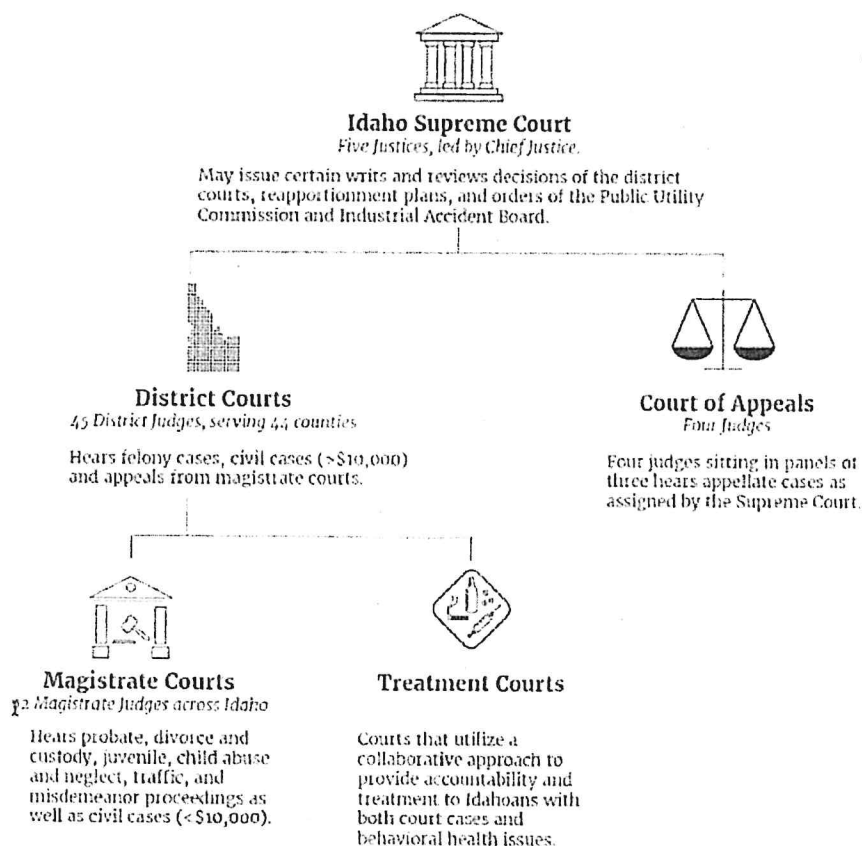
Please let me know if I can be of further assistance.

Sincerely,

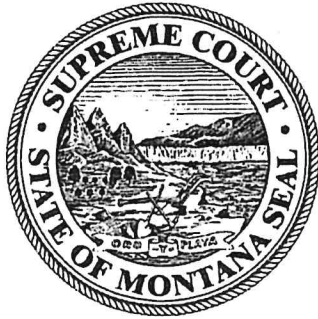

Cory Swanson
Chief Justice

State	# of SCT Judges	State Population	Caseload Statistics
States without Intermediate Appellate Courts			
Delaware	5	989,955	491 filings / 453 dispositions
Idaho	5	1,839,140	1076 filings / 933 dispositions
Maine	7	1,363,196	499 filings
Montana	7	1,084,216	760 filings / 791 dispositions
New Hampshire	4	1,377,546	729 filings / 752 dispositions
North Dakota	5	779,046	390 filings / 371 dispositions
Rhode Island	5	1,097,354	359 filings / 376 dispositions
South Dakota	5	886,729	340 filings / 332 dispositions
Vermont	5	643,082	419 filings / 295 dispositions
West Virginia	5	1,793,736	758 filings / 862 dispositions
Wyoming	5	576,844	313 filings / 285 dispositions

See below for an explanation of the unique structure of the Idaho Judiciary. It has an intermediate Court of Appeals, but only takes cases assigned to it by the Supreme Court. For that reason, we listed it as a state without a full intermediate appellate court.



1992	627		
1993	659*		
1994	633		
1995	580	1991-1995 = 627	+2% increase
1996	731*		
1997	729		
1998	731		
1999	706		
2000	868*	1996-2000 = 753	+20% increase
2001	909*		
2002	798		
2003	860		
2004	882		
2005	738	2001-2005 = 837	+11% increase
2006	760		
2007	751 **		
2008	649		
2009	677		
2010	650	2006-2010 = 697	-17% decrease
2011	775		
2012	778		
2013	860		
2014	822		
2015	806	2011-2015 = 808	+16% increase
2016	765		
2017	743		
2018	721		
2019	711		



Summary: Major Stat. Categories

Bowen Greenwood

Clerk of the Montana Supreme Court

Calendar Year 2024

Total Number of Notices of Appeal Filed	510
Total Number of Appeals Sent to Mediation	88
Total Number of Successfully Mediated Appeals	10
Total New Case Filings	760
Direct Appeal	510
Civil Appeals	293
Criminal Appeals	217
Original Proceedings	238
Disciplinary Cases	12
Total Number of Self-Represented Cases	361
Total Number of Opinions Issued	353
Full Published Opinions	168
Noncite/Memorandum Opinions	178
Opinion and Orders	7
Total Number of Cases Closed	791
Total Pending Cases Carried Over into 2025	711
Total Pending Cases Carried Over From 2023	534

NEW FILINGS OVERVIEW REPORT

Calendar Year 2022

2022 Caseload Overview

Total Appeals		516
Civil Appeals	315	
Criminal Appeals	201	
Original Proceedings		210
Disciplinary Cases		7

TOTAL CASELOAD FOR 2022 **733**

2022 Administrative Filings Overview	4
New Administrative Files: 0	0
New Professional Regulation (Non-Disciplinary)	4

TOTAL MATTERS DOCKETED **737**

2020 NEW FILINGS OVERVIEW REPORT

I. 2020 Caseload Overview: *

Total Appeals:	448
Civil Appeals:	279
Criminal Appeals:	169
 Original Proceedings:	 120
Disciplinary Cases:	9

TOTAL CASELOAD FOR 2020: 576

II. 2020 Administrative Filings Overview: 5

New Administrative Files:	0
New Professional Regulation (Non-Disciplinary):	5

III. Preliminary Appeals: 29

Civil Appeals:	16
Criminal Appeals:	13

Caseload excluding preliminary appeals: 550**

TOTAL MATTERS DOCKETED: 614

*Caseload numbers reflect direct appeals, original proceedings, and attorney disciplinary proceedings.

** This number reflects appeals which had been assigned a Supreme Court case number but where the appeal had not yet reached the briefing schedule by the end of the reporting period. Excluding this number from the overall caseload will provide a basis to compare current caseloads with pre-2007 caseloads whereby an appeal was not docketed until the lower court record was filed, 40 days after the notice of appeal was filed in the district court.

Statistics compiled by the Office of the Clerk of the Supreme Court

2018 NEW FILINGS OVERVIEW REPORT

I. 2017 Caseload Overview: *

Total Appeals:	559
Civil Appeals:	351
Criminal Appeals:	208
 Original Proceedings:	 146
Disciplinary Cases:	16

TOTAL CASELOAD FOR 2017: 721

II. 2017 Administrative Filings Overview: 5

New Administrative Files:	0
New Professional Regulation (Non-Disciplinary):	5

III. Preliminary Appeals: 41

Civil Appeals:	21
Criminal Appeals:	20
Caseload excluding preliminary appeals:	680**

TOTAL MATTERS DOCKETED: 726

*Caseload numbers reflect direct appeals, original proceedings, and attorney disciplinary proceedings.

** This number reflects appeals which had been assigned a Supreme Court case number but where the appeal had not yet reached the briefing schedule by the end of the reporting period. Excluding this number from the overall caseload will provide a basis to compare current caseloads with pre-2007 caseloads whereby an appeal was not docketed until the lower court record was filed, 40 days after the notice of appeal was filed in the district court.

Statistics compiled by the Office of the Clerk of the Supreme Court

2016 NEW FILINGS OVERVIEW REPORT

I. 2016 Caseload Overview:*

Total Appeals:	632
Civil Appeals:	396
Criminal Appeals:	236

Original Proceedings:	112
Disciplinary Cases:	21

TOTAL CASELOAD FOR 2016: 765

II. 2016 Administrative Filings Overview: 7

New Administrative Files:	2
New Professional Regulation (Non-Disciplinary):	5

III. Preliminary Appeals: 64

Civil Appeals:	48
Criminal Appeals:	16
Caseload excluding preliminary appeals:	701**

TOTAL MATTERS DOCKETED: 772

*Caseload numbers reflect direct appeals, original proceedings, and attorney disciplinary proceedings.

** This number reflects appeals which had been assigned a Supreme Court case number but where the appeal had not yet reached the briefing schedule by the end of the reporting period. Excluding this number from the overall caseload will provide a basis to compare current caseloads with pre-2007 caseloads whereby an appeal was not docketed until the lower court record was filed, 40 days after the notice of appeal was filed in the district court.

2014 NEW FILINGS OVERVIEW REPORT

I. 2014 Caseload Overview:*

Total Appeals:		643
Civil Appeals:	421	
Criminal Appeals:	222	

Original Proceedings:	162
Disciplinary Cases:	17

TOTAL CASELOAD FOR 2014: 822

II. 2014 Administrative Filings Overview: 4

New Administrative Files:	1
New Professional Regulation (Non-Disciplinary):	3

III. Preliminary Appeals: 70

Civil Appeals:	39
Criminal Appeals:	31
Caseload excluding preliminary appeals:	752**

TOTAL MATTERS DOCKETED: 826

*Caseload numbers reflect direct appeals, original proceedings, and attorney disciplinary proceedings.

** This number reflects appeals which had been assigned a Supreme Court case number but where the appeal had not yet reached the briefing schedule by the end of the reporting period. Excluding this number from the overall caseload will provide a basis to compare current caseloads with pre-2007 caseloads whereby an appeal was not docketed until the lower court record was filed, 40 days after the notice of appeal was filed in the district court.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER JUDICIARY COMMITTEE

DATE 02/14/25

BILL NO: HB 388

SPONSOR(S): Rep. Regier

SHORT TITLE: Create pregnancy center autonomy rights
or expression act

Please leave prepared testimony with the clerk.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

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Name	Representing	Support	Oppose	Informt'l
Tara Wooten	DPHHS OIG			X
Michelle Truax	DPHHS OIG			X
Toss Fields	Blue Mountain Clinic		X	
Robin Turner	Legal Voice		✓	
Tracy Ullrey	Options & Preg Clinic Coalition	X		
Tina Woolley	Options Clinic	X		
Kellie Longline	Options Clinic	X		
Derek Derek Leighton Destreicher	Montana Family Foundation	X		
Quinn Leighton	PRAMI		X	
Erin Lewis	MMFA	X		
Hope Morrison	ASUM		X	



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER JUDICIARY COMMITTEE

DATE 02/14/25

BILL NO: HB 400

SPONSOR(S): Rep. Mitchell

SHORT TITLE: Enact the "Free to Speak Act"

Please leave prepared testimony with the clerk.

Witness Statement forms are available if you care to submit written testimony.

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Name	Representing	Support	Oppose	Informt'l
Kae Wilde	Myself		X	
Robin Turner	Legal Voice		✓	
Shawn Reagon	Bridge care		X	
ROB WATSON	SAM, CAMPS		X	
Jordan Carpenter	Alliance Defending Freedom	X		
Patrick Webb Derek Oestreicher	Montana Family Foundation	X		
Quinn Leighton	PPANT		X	
Amanda Curtis	MFPE		X	
Zuzi Moreno	Forced MT		X	
Patrick YAWARKE	Blackfoot Tribe		X	
" "	Ft. Belknap Tribe		X	
" "	Rocky Boy Tribe		X	
Ella Smith	City of Missoula		X	



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER JUDICIARY COMMITTEE

DATE 2-14-25

BILL NO: HB 439

SPONSOR(S): Rep. Deming

SHORT TITLE: Creating Sheriff's first initiative for communication

Please leave prepared testimony with the clerk.

Witness Statement forms are available if you care to submit written testimony.

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Name	Representing	Support	Oppose	Informt'l
GARY MARBLET	MSSA	X		
JESSE SHADWINTER	CASCADE COUNTY SO	X		
Shelby DeMars	MT Police Protective Assoc.		X	



VISITOR REGISTER

BILL NO: 4514

SHORT TITLE: Resolution on Marbury v. Madison

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

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MINUTES
MONTANA HOUSE OF REPRESENTATIVES
69th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) JUDICIARY

Call to Order: Chair Amy Regier-R, on February 17, 2025 at 8:00 AM, in Room 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Lee Deming, Vice Chair (R)
Rep. Tom France, Vice Chair (D)
Rep. Denise Baum (D)
Rep. Melody Cunningham (D)
Rep. Jodee Etchart (R)
Rep. Alanah Griffith (D)
Rep. Caleb Hinkle (R)
Rep. Jedediah Hinkle (R)
Rep. Denise Joy (D)
Rep. Steven Kelly (R)
Rep. Shane Klakken (R)
Rep. Greg Kmetz (R)
Rep. Tom Millett (R)
Rep. Braxton Mitchell (R)
Rep. Greg Overstreet (R)
Rep. Tracy Sharp (R)
Rep. Ed Stafman (D)

Members Excused: Rep. SJ Howell (D)
Rep. Zooey Zephyr (D)

Staff Present: Joseph Carroll, Attorney
Macy McCauley, Clerk
Rachel Weiss, Research Director

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 431 02/11/2025
HB 433 02/12/2025
HB 444 02/11/2025

HB 446 02/11/2025
Executive Action:

HB 284 DO PASS AS AMENDED
HB 311 TO TABLE
HB 388 DO PASS
HB 400 DO PASS AS AMENDED
HB 409 DO PASS AS AMENDED
HB 415 DO PASS
HB 422 TO TABLE
HB 439 DO PASS AS AMENDED
HJ 6 DO PASS AS AMENDED
HJ 14 DO PASS

HEARING ON HB 444 - Generally revise tenant landlord laws

Opening Statement:

08:02:21 Rep. Paul Tuss (D), HD 27, opening statement on HB 444, Generally revise tenant landlord laws.

Proponent Testimony:

08:04:50 Daniel Cox, Montana Association of REALTORS (MAR)

08:05:30 John Sinrud, Montana Landlords Association (MLA)

08:07:06 Charles Lapp, Flathead Valley, Self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:08:56 Rep. Greg Kmetz

08:09:20 Rep. Paul Tuss

08:10:00 Rep. Tom Millett

08:10:17 Daniel Cox (MAR)

08:10:33 Rep. Melody Cunningham

08:11:04 Rep. Paul Tuss

08:11:30 Rep. Melody Cunningham

08:11:52 Daniel Cox (MAR)

08:12:19 John Sinrud (MLA)

08:13:59 Rep. Tom Millett

08:14:10 Rachel Weiss

Closing Statement:

08:14:28 Rep. Paul Tuss (D), HD 27, closing statement on HB 444.

HEARING ON HB 446 - Revise indecent exposure laws

Opening Statement:

08:15:02 Rep. Jedediah Hinkle (R), HD 67, opening statement on HB 446, Revise indecent exposure laws.

Proponent Testimony:

08:19:32 Derek Oestreicher, Chief Legal Counsel, Montana Family Foundation (MFF)

08:21:55 Cindy Roscoe, Self

Opponent Testimony:

08:23:13 Kelsen Young, Montana Coalition for Domestic and Sexual Violence (MCDSV)

08:26:39 Atlas Gilbert, Self: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=52235dcc-dc9f-4b90-a09f-32be173b48cc>

08:29:12 Sean Reagor, Bridger Care (BC)

08:31:44 Robin Turner, Legal Voice, American Civil Liberties Union (ACLU)

08:34:52 Ella Smith, Self

08:36:25 Alex Odea, Self

08:37:29 River Segar, Self

Informational Witness Testimony:

08:39:25 Brett Schandelson, Director, Office of State Public Defender (OSPD)

Questions from Committee:

08:40:01 Rep. Tracy Sharp

08:40:37 Atlas Gilbert, Self

08:40:59	Rep. Denise Baum
08:41:16	Rep. Jedediah Hinkle
08:42:17	Rep. Denise Baum
08:43:14	Brett Schandelson (OPD)
08:45:33	Rep. SJ Howell
08:46:05	Brett Schandelson (OPD)
08:50:03	Rep. Caleb Hinkle
08:50:59	Kelsen Young, Montana Coalition for Domestic and Sexual Violence (MCDSV)
08:52:22	Rep. Jedediah Hinkle
08:53:51	Rep. Ed Stafman
08:55:09	Robin Turner (ACLU)
08:58:24	Rep. Melody Cunningham
08:59:09	Sean Reagor (BC)
09:00:26	Rep. Braxton Mitchell
09:01:00	Rep. Jedediah Hinkle
09:01:07	Rep. Denise Joy
09:02:08	Rep. Jedediah Hinkle
09:03:52	Vice Chair Tom France
09:04:54	Brett Schandelson (OPD)
09:07:44	Vice Chair Lee Deming
09:08:22	Derek Oestreicher (MFF)
09:09:36	Rep. Zooey Zephyr
09:11:13	Kelsen Young (MCDSV)
09:13:35	Rep. Zooey Zephyr

09:14:10 Rep. Jedediah Hinkle
09:16:36 Rep. SJ Howell
09:17:39 Brett Schandelson (OPD)
09:20:21 Rep. Alanah Griffith
09:20:35 Brett Schandelson (OPD)

Closing Statement:

09:25:40 Rep. Jedediah Hinkle (R), HD 67, closing statement on HB 446.

HEARING ON HB 431 - Revise laws related to the judicial standards commission

Opening Statement:

09:30:47 Rep. Greg Overstreet (R), HD 88, opening statement on HB 431, Revise laws related to the judicial standards commission.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:31:57 Rep. Alanah Griffith
09:32:14 Rep. Greg Overstreet

Closing Statement:

09:32:29 Rep. Greg Overstreet (R), HD 88, closing statement on HB 431.

HEARING ON HB 433 - Preserve right to keep and bear arms via a presumption of innocence

Opening Statement:

09:33:01 Rep. George Nikolakakos (R), HD 22, opening statement on HB 433,
Preserve right to keep and bear arms via a presumption of innocence.

Proponent Testimony:

09:36:26 Gary Marbut, Montana Shooting Sports Association (MSSA)

09:39:16 Tiffany Susan, Self

Opponent Testimony:

09:40:42 Brian Thompson, Montana County Attorney Association (MCAA)

09:44:47 Dan Smith, Director, Montana Police Protective Association (MPPA)

09:46:04 Alex Sterhan, Director, Montana Department of Justice (DOJ)

09:47:36 Benjamin Halverson, Domestic Violence Deputy City Attorney, Billings,
(DVEDCA): EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=8f639049-9456-45f3-9519-77e1d1c22d24>

09:51:13 Kelsen Young, Montana Coalition for Domestic and Sexual Violence
(MCDVS)

09:54:23 Nanette Gilbertson, Montana Sheriff and Peace Officers Association
(MSPOA)

09:55:15 Jennifer Hensley, Missoula

Informational Witness Testimony:

None

Questions from Committee:

09:57:54 Rep. Caleb Hinkle

09:58:06 Gary Marbut (MSSA)

09:58:34 Rep. Zooey Zephyr

09:59:45 Brian Thompson (MCAA)

10:00:29 Rep. Zooey Zephyr

10:00:55 Rep. George Nikolakakos

10:05:48 Rep. Jedediah Hinkle

10:06:51	Benjamin Halverson (DVDCA)
10:09:43	Rep. Melody Cunningham
10:10:53	Brian Thompson (MCAA)
10:12:00	Rep. Melody Cunningham
10:12:42	Rep. George Nikolakakos
10:13:20	Rep. Melody Cunningham
10:13:53	Brian Thompson (MCAA)
10:15:13	Rep. Braxton Mitchell
10:16:10	Rep. George Nikolakakos
10:18:11	Rep. Denise Baum
10:19:25	Benjamin Halverson (DVDCA)
10:20:08	Rep. Caleb Hinkle
10:20:17	Gary Marbut (MSSA)
10:21:38	Rep. Alanah Griffith
10:22:23	Brian Thompson (MCAA)
10:24:02	Rep. Ed Stafman
10:24:23	Brian Thompson (MCAA)
10:25:38	Rep. Tom Millett
10:25:58	Gary Marbut (MSSA)

Closing Statement:

10:27:59	Rep. George Nikolakakos (R), HD 22, closing statement on HB 433.
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10:30:59	Recessed
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11:04:22	Reconvened
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EXECUTIVE ACTION ON HB 284 - Establish an interim committee to investigate civil rights violations and censorship within the MUS

Motion:

11:04:40 Vice Chair Lee Deming moved that **HB 284 DO PASS.**
11:04:43 Rachel Weiss
11:05:01 Rep. Caleb Hinkle
11:05:51 **Vote:** There was no vote taken on this motion.

Motion:

11:05:50 Vice Chair Lee Deming moved that **HB 284 BE AMENDED
HB0284.001.001.**
11:06:00 Rep. Caleb Hinkle
11:06:17 **Vote:** Motion carried unanimously by voice vote.

Motion:

11:06:40 Vice Chair Lee Deming moved that **HB 284 DO PASS AS AMENDED.**
11:06:48 Rep. Zooey Zephyr
11:09:30 Rep. Ed Stafman
11:11:30 Rep. Melody Cunningham
11:12:40 Rep. Caleb Hinkle
11:15:24 Rep. Steven Kelly
11:16:17 Rep. Tracy Sharp
11:16:47 **Vote:** Motion carried 13 - 7 in the House with Rep. Baum, Rep. Cunningham, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 311 - Require the refund of rental application fees

Motion:

11:17:58 Vice Chair Lee Deming moved that **HB 311 DO PASS.**
11:18:16 Rachel Weiss
11:18:26 **Vote:** Motion carried unanimously by voice vote.

Motion:

11:18:44 Vice Chair Lee Deming moved that **HB 311 BE AMENDED HB0311.001.001.**

11:18:52 Rachel Weiss

11:19:17 Rep. Alanah Griffith

11:19:42 **Vote:** Motion carried 13 - 7 in the House with Rep. Etchart, Rep. Hinkle, Rep. Kelly, Rep. Kmetz, Rep. Millett, Rep. Mitchell, Rep. Overstreet, voting no.

Motion:

11:20:58 Vice Chair Lee Deming moved that **HB 311 DO PASS AS AMENDED.**

11:21:05 **Vote:** Motion failed 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting yes.

Motion:

11:22:20 Vice Chair Lee Deming moved that **HB 311 TO TABLE.**

11:22:24 **Vote:** Motion carried 18 - 2 in the House with Rep. Baum, Rep. France, voting no.

EXECUTIVE ACTION ON HB 388 - Create pregnancy center autonomy and rights of expression act

Motion:

11:23:22 Vice Chair Lee Deming moved that **HB 388 DO PASS.**

11:23:26 Rep. Ed Stafman

11:26:04 Rep. Alanah Griffith

11:27:20 Vice Chair Lee Deming

11:27:58 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 400 - Enact the "Free to Speak Act"

Motion:

11:29:11 Vice Chair Lee Deming moved that **HB 400 DO PASS.**

11:29:14 Rachel Weiss

11:29:26 **Vote:** Motion carried unanimously by voice vote.

Motion:

11:29:26 Vice Chair Lee Deming moved that **HB 400 BE AMENDED HB0400.001.001.**

11:29:33 Rachel Weiss

11:30:07 Rep. Tom Millett

11:30:22 Rep. SJ Howell

11:31:27 Rep. Tom Millett

11:32:05 Rep. SJ Howell

11:32:21 Rep. Tom Millett

11:32:40 Rep. SJ Howell

11:32:50 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

Motion:

11:33:55 Vice Chair Lee Deming moved that **HB 400 DO PASS AS AMENDED.**

11:34:05 Rep. Ed Stafman

11:36:52 Rep. Braxton Mitchell

11:37:22 Rep. Jedediah Hinkle

11:39:18 Rep. Alanah Griffith

11:40:36 Rep. Denise Joy

11:42:05 Rep. SJ Howell

11:44:22 Rep. Zooey Zephyr

11:48:16 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 409 - Revise injunction laws

Motion:

11:49:41 Vice Chair Lee Deming moved that **HB 409 DO PASS.**

11:49:45 Rachel Weiss

11:49:26 **Vote:** Motion carried unanimously by voice vote.

Motion:

11:50:03 Vice Chair Lee Deming moved that **HB 409 BE AMENDED HB0409.001.001.**

11:50:18 Rachel Weiss

11:50:42 Vice Chair Tom France

11:51:59 Rep. Ed Stafman

11:52:20 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

Motion:

11:53:40 Vice Chair Lee Deming moved that **HB 409 DO PASS AS AMENDED.**

11:53:57 Rep. Jodee Etchart

11:53:59 Rep. Alanah Griffith

11:55:31 Rep. Ed Stafman

11:56:02 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 415 - Revise laws on a judge's ability to provide bail to certain defendants

Motion:

11:57:17 Vice Chair Lee Deming moved that **HB 415 DO PASS.**

11:57:21 Rachel Weiss

11:57:39 Rep. Ed Stafman

11:58:25 **Vote:** Motion carried 15 - 5 in the House with Rep. Baum, Rep. France, Rep. Griffith, Rep. Howell, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 422 - Allow covenants that provide housing affordability

Motion:

11:59:48 Vice Chair Lee Deming moved that **HB 422 DO PASS.**

11:59:51 Rachel Weiss

12:00:05 **Vote:** Motion failed 11 - 9 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Overstreet, Rep. Stafman, Rep. Zephyr, voting yes.
Rep. Howell, By Proxy

Motion:

12:01:38 Vice Chair Lee Deming moved that **HB 422 TO TABLE.**

12:01:49 **Vote:** Motion carried 19 - 1 in the House with Rep. Baum, voting no.

EXECUTIVE ACTION ON HB 439 - Creating sheriffs' first initiative for cooperation and communication

Motion:

12:02:20 Vice Chair Lee Deming moved that **HB 439 DO PASS.**

12:02:23 Rachel Weiss

12:02:26 **Vote:** Motion carried unanimously by voice vote.

Motion:

12:02:41 Vice Chair Lee Deming moved that **HB 439 BE AMENDED HB0439.001.008.**

12:02:50 Rachel Weiss

12:03:30 Vice Chair Lee Deming

12:03:58 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.
Rep. Howell, By Proxy

Motion:

12:05:09 Vice Chair Lee Deming moved that **HB 439 DO PASS AS AMENDED.**

12:05:20 Rep. Denise Baum

12:05:46 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.
Rep. Howell, Rep. Stafman, By Proxy

EXECUTIVE ACTION ON HJ 6 - Joint resolution recognizing the 250th birthday of the United States of America

Motion:

12:07:09 Vice Chair Lee Deming moved that **HJ 6 DO PASS.**

12:07:19 Rachel Weiss

12:07:26 **Vote:** Motion carried unanimously by voice vote.

Motion:

12:07:35 Rep. Caleb Hinkle moved that **HJ 6 BE AMENDED HJ0006.001.001.**

12:07:45 Rep. Caleb Hinkle

12:07:55 **Vote:** Motion carried unanimously by voice vote.

Motion:

12:08:27 Vice Chair Lee Deming moved that **HJ 6 DO PASS AS AMENDED.**

12:08:43 **Vote:** Motion carried 14 - 6 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Howell, Rep. Stafman, Rep. Zephyr, voting no.
Rep. Howell, Rep. Stafman, By Proxy

EXECUTIVE ACTION ON HJ 14 - Resolution on Marbury v. Madison

Motion:

12:10:35 Vice Chair Lee Deming moved that **HJ 14 DO PASS.**

12:10:40 Rachel Weiss

12:10:59 Vice Chair Tom France

12:12:06 Vice Chair Lee Deming

12:12:46 **Vote:** Motion carried 12 - 8 in the House with Rep. Baum, Rep. Cunningham, Rep. France, Rep. Griffith, Rep. Howell, Rep. Joy, Rep. Stafman, Rep. Zephyr, voting no.
Rep. Howell, Rep. Stafman, By Proxy

ADJOURNMENT

Adjournment: 12:17:47

Clerk: Macy McCauley

Additional Documents:

Documents - <https://docs.legmt.gov/download-ticket?ticketId=515ac6f0-6a8c-4780-951a-ef80053d3cb4>

MINUTES
MONTANA SENATE
69th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) JUDICIARY

Call to Order: Chair Barry Usher-R, on April 02, 2025 at 8:01 AM, in Room 303

ROLL CALL

Members Present: Sen. Barry Usher, Chair (R)
Sen. Andrea Olsen, Vice Chair (D)
Sen. Vince Ricci, Vice Chair (R)
Sen. Daniel Emrich (R)
Sen. Theresa Manzella (R)
Sen. Laura Smith (D)
Sen. Sue Vinton (R)

Members Excused: Sen. Cora Neumann (D)

Members Absent: Sen. Gayle Lammers (R)

Staff Present: Julianne Burkhardt, Attorney
Grace Gibney, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 147 03/28/2025
HB 284 03/18/2025
HB 388 03/18/2025
HB 400 03/18/2025
HB 665 03/18/2025
HB 690 03/20/2025
HB 809 03/25/2025

Executive Action:

HEARING ON HB 388 - Create pregnancy center autonomy and rights of expression act

Opening Statement:

08:05:22 Rep. Amy Regier (R), HD 6, opening statement on HB 388, Create pregnancy center autonomy and rights of expression act.

Proponent Testimony:

08:05:20 Derek Oestricher, Chief Legal Counsel, Montana Family Foundation

08:09:59 Matt Brower, Executive Director, Montana Catholic Conference

08:11:58 Robin Sertell, Montanans For Life

08:12:17 Sen. Laura Smith

08:12:53 Erin Laws, Montana Medical Freedom Alliance

08:14:43 Hannah Allen, Self

08:15:43 Tracey Ullrey, CEO, Options Clinic: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=ee856930-bd54-4680-bb95-20a1c663ee2a>

08:17:44 Michelle Reimer, Executive Director, Clear Choice Clinic: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=d14143a3-8325-48d4-bdb3-75920b4ad733>

08:20:01 Tina Wooley, Options Clinic: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=9f42ba44-050f-4d04-ae0c-c32a84722e6e>

08:22:22 Kristi Williams, LaVie Health: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=7a569309-aafb-42f7-94ea-509da45bd9a3>

08:25:32 Raylee Hollowell, Outreach Clinic: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=b86d27ab-47d8-481e-912e-c8716e2287d5>

08:27:15 Jeanne Monroy, LaVie Health: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=55c299f7-6f62-4756-86b0-cbbce3b73107>

08:28:56 Alacia Crane, LaVie Health: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=78970325-12c6-4175-9bd6-4a2175136ec1>

08:31:42 Cindy Nordstog, CEO, LaVie Health: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=bc5da993-fec3-4ae4-8827-914f01b343c6>

08:33:18 Anna Schemelinin, Self
08:35:26 Joe Schreibeis, Self
08:37:07 Denise Burke, Legal Counsel, Alliance Defending Freedom

Opponent Testimony:

08:37:18 Quinn Leighton, Planned Parenthood Advocates of Montana
08:41:23 Avery Skibicki, Self: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=449a743d-4aa0-4592-8de7-8e8e3814fcf1>
08:46:01 Hope Morrison, Associated Students of the University of Montana
08:49:48 Kaitlyn Carroll, Self
08:50:25 Tess Fields, Blue Mountain Clinic
08:54:45 Robin Turner, Staff Attorney, Legal Voice
08:57:42 Aubrey LaBarre, Self
08:59:44 Anne Angus, Self
09:00:11 Taryn Van Steelen, Forward Montana
09:03:00 Kaylee Ackerman, Self
09:04:32 Nicole Smith, Montanans For Choice Take Action
09:05:00 Dr. Melissa Chen, Self
09:07:38 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
09:09:12 Niki Zupanic, Women's Foundation of Montana
09:11:36 Chester Phillips, Self

Informational Witness Testimony:

09:14:52 Tara Wooten, Office of Inspector General

Questions from Committee:

09:15:27 Sen. Theresa Manzella
09:16:59 Quinn Leighton, Planned Parenthood Advocates of Montana

09:17:00 Michelle Reimer, Executive Director, Clear Choice Clinic
09:18:13 Sen. Laura Smith
09:19:27 Robin Turner, Staff Attorney Legal Voice
09:21:48 Vice Chair Andrea Olsen
09:22:50 Quinn Leighton, Planned Parenthood Advocates of Montana
09:25:58 Rep. Amy Regier
09:27:37 Sen. Cora Neumann -D
09:28:01 Dr. Melissa Chen, Self
09:29:12 Sen. Sue Vinton
09:29:39 Quinn Leighton, Planned Parenthood Advocates of Montana
09:30:31 Kristi Williams, LaVie Health

Closing Statement:

09:30:59 Rep. Amy Regier (R), HD 6, closing statement on HB 388.

HEARING ON HB 147 - Revise laws related to covenants to provide definition of enforcement action

Opening Statement:

09:35:42 Rep. Jedediah Hinkle (R), HD 67, opening statement on HB 147, Revise laws related to covenants to provide definition of enforcement action.

Proponent Testimony:

09:43:37 Stephanie Baucus, Self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:46:12 Vice Chair Andrea Olsen

09:47:13 Stephanie Baucus, Self

Closing Statement:

09:49:40 Rep. Jedediah Hinkle (R), HD 67, closing statement on HB 147.

HEARING ON HB 284 - Establish an interim committee to investigate civil rights violations and censorship within the MUS

Opening Statement:

09:54:58 Rep. Caleb Hinkle (R), HD 68, opening statement on HB 284, Establish an interim committee to investigate civil rights violations and censorship within the MUS.

Proponent Testimony:

09:56:59 Dylan Stokes, Chapter President, Young Americans for Liberty

09:59:04 Catarina Jones, Self

10:01:08 Dash Johnson, Self

10:02:35 Brendan Borreth, Self

10:04:25 Hannah Allen, Self

10:05:20 Dylan Dean, Self: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=00150fd1-1c2a-45d3-bde6-c1bf2284105f>

10:07:03 Aiden McLaughlin, Self

10:07:57 Patrick Webb, Montana Family Foundation

10:10:04 David Herbst, Montana Libertarian Party

10:11:40 Anna Schmelinin, Self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:15:22 Vice Chair Vince Ricci
10:16:23 Dylan Dean, Self
10:16:52 Vice Chair Andrea Olsen
10:17:02 Catarina Jones, Self
10:17:32 Sen. Sue Vinton
10:18:00 Rep. Caleb Hinkle

Closing Statement:

10:18:53 Rep. Caleb Hinkle (R), HD 68, closing statement on HB 284.

HEARING ON HB 400 - Enact the "Free to Speak Act"

Opening Statement:

10:20:46 Rep. Braxton Mitchell (R), HD 5, opening statement on HB 400, Enact the "Free to Speak Act".

Proponent Testimony:

10:26:15 Dylan Dean, Self
10:27:42 Dash Johnson, Self
10:28:31 Dylan Stokes, Self
10:29:52 Catarina Jones, Self
10:30:12 Greg Chafuen, Alliance Defending Freedom
10:31:17 Derek Oestricher, Chief Legal Counsel, Montana Family Foundation
10:33:54 Anna Schemelinin, Self

Opponent Testimony:

10:35:27 Rob Watson, Executive Director, School Administrators of Montana
10:38:01 Amanda Curtis, President, Montana Federation of Public Employees

10:40:39	SK Rossi, Montana Coalition Against Domestic and Sexual Violence
10:43:14	Phoebe Howell, Self
10:45:03	Caitlyn Carroll, Self
10:46:29	Evan Fritz, Self
10:48:49	Shawn Reagor, Bridger Care
10:51:32	Quinn Leighton, Planned Parenthood Advocates of Montana
10:52:27	Syd Beardsly, Self
10:55:01	Robin Turner, Legal Voice
10:55:30	Keri Yoder, Self
10:57:55	Anne Angus, Self
10:58:14	Zuri Moreno, Forward Montana
10:59:40	Niki Zupanic, Womens Foundation of Montana
11:00:01	Nicole Smith, Executive Director, Montanans for Choice Take Action

Informational Witness Testimony:

None

Questions from Committee:

11:02:13	Sen. Cora Neumann
11:03:23	Amanda Curtis, President, Montana Federation of Public Employees
11:04:48	Rep. Braxton Mitchell
11:05:11	Sen. Sue Vinton
11:05:34	Derek Oestricher, Chief Legal Counsel, Montana Family Foundation
11:06:00	SK Rossi, Montana Coalition Against Domestic and Sexual Violence
11:07:55	Sen. Theresa Manzella
11:08:25	Rob Watson, Executive Director, School Administrators of Montana
11:14:00	Sen. Laura Smith

11:15:15 Amanda Curtis, President, Montana Federation of Public Employees
11:16:52 Sen. Daniel Emrich
11:18:52 Rob Watson, Executive Director, School Administrators of Montana
11:19:40 Chair Barry Usher
11:20:50 Rob Watson, Executive Director, School Administrators of Montana
11:21:18 Derek Oestricher, Chief Legal Counsel, Montana Family Foundation

Closing Statement:

11:22:29 Rep. Braxton Mitchell (R), HD 5, closing statement on HB 400.

HEARING ON HB 809 - Prohibit local governments from enacting red flag gun laws

Opening Statement:

11:25:25 Rep. Braxton Mitchell (R), HD 5, opening statement on HB 809, Prohibit local governments from enacting red flag gun laws.

Proponent Testimony:

11:26:34 Brendan Boreth, Self
11:27:46 Dylan Dean, Self
11:28:08 Dash Johnson, Self

Opponent Testimony:

11:30:53 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
11:31:21 Jan Strout, Montana Chapter of the National Organization of Women

Informational Witness Testimony:

None

Questions from Committee:

11:34:04 Sen. Theresa Manzella
11:34:09 Rep. Braxton Mitchell

11:36:29 Sen. Daniel Emrich

11:36:41 Rep. Braxton Mitchell

Closing Statement:

11:37:56 Rep. Braxton Mitchell (R), HD 5, closing statement on HB 809.

HEARING ON HB 665 - Preclude non-profit officers from personal liability for unpaid tax withholding

Opening Statement:

11:38:20 Rep. Bill Mercer (R), HD 52, opening statement on HB 665, Preclude non-profit officers from personal liability for unpaid tax withholding.

Proponent Testimony:

11:42:07 Lorianne Burhop, Director, Montana Non Profit Association

Opponent Testimony:

None

Informational Witness Testimony:

11:44:01 Jill Hamilton, Division Administrator, Information Management and Collections Division, Montana Department of Revenue, (DOR)

Questions from Committee:

11:45:29 Vice Chair Andrea Olsen

11:46:41 Rep. Bill Mercer

11:48:22 Vice Chair Andrea Olsen

11:49:08 Jill Hamilton, Division Administrator, Information Management and Collections Division, (DOR)

11:52:35 Rep. Bill Mercer

Closing Statement:

11:54:36 Rep. Bill Mercer (R), HD 52, closing statement on HB 665.

HEARING ON HB 690 - Generally revise laws related to child protection

Opening Statement:

11:54:57 Rep. Bill Mercer (R), HD 52, opening statement on HB 690, Generally revise laws related to child protection.

Proponent Testimony:

12:07:27 G. Bruce Meyers, Self

12:23:08 Anna Shchemelinin, Self

Opponent Testimony:

12:15:42 Phoebe Howell, Self: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=2db69359-505f-4d2a-912d-6e4e58d3b4f9>

12:16:09 Caitlyn Carroll, Self

12:17:37 Evan Fritz, Self

12:24:32 Aubrey LaBarre, Self

12:43:22 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence, Legal Voice

13:44:14 Shawn Reagor, Bridger Care

Informational Witness Testimony:

None

Questions from Committee:

12:28:11 Sen. Sue Vinton

12:28:21 Rep. Bill Mercer

12:31:08 Vice Chair Andrea Olsen

12:32:19 Rep. Bill Mercer

12:33:16 Sen. Theresa Manzella

12:33:55 Rep. Bill Mercer

12:37:52 Vice Chair Andrea Olsen

12:38:59 Shawn Reagor, Bridger Care

Closing Statement:

12:50:54 Rep. Bill Mercer (R), HD 52, closing statement on HB 690.

ADJOURNMENT

Adjournment: 12:48:14

Secretary: Grace Gibney

Additional Documents:

Visitor Logs - <https://docs.legmt.gov/download-ticket?ticketId=d5c0c090-3202-48d1-b719-0aaaa5d848bb>

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 398 Rep A Regier

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

"I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH."

NAME	CITY & STATE	REPRESENTING	Support	Oppose	Informational
Jacob Kitson	Terry MT	Oreach Clinic	X		
Cher Kitson	Terry MT	Oreach Clinic	X		
Bernadette Cridland	Miles City MT	Outreach Clinic			
Tina Woolley	Helena MT	Options Clinic	X		
Raeke Hollowell	Miles City MT	Outreach Clinic	X		
Tracy Wiley	Helena, MT	Options Clinic	X		
Cindy Nordstrom	Billings, MT	LaVie Health	X		
Kristi Williams	Billings, MT	LaVie Health	X		
Jeanne Monroy	Billings, MT	LaVie Health	X		
Alicia Crane	Billings MT	LaVie Health	X		
Robin Sedell	Hamilton MT	Montana for Life	X		
Derek Oestricher	MT Helena	MT Family Foundation	✓		
Michelle Reimer	Kalispell MT	ClearChoice Clinic	✓		
Kent Reimer	Kalispell MT	ClearChoice Clinic	✓		
Tina Warten	Helena, MT	DPHHS OIG			X
Troy Nelson	Miles City MT	Outreach Clinic	X		
Jess Fields	Missoula MT	BMC		✓	
Carol Kolar	Helena, MT	Options	X		
Matthew Brower	Helena, MT	Montana Catholic Conference	X		
Hannah Allen	Belgrade, MT	Self	X		
Erin Laus	Helena MT	mmta	X		
Robin Turner	Helena	WyzulV		✓	
Cheryl Skubicki	Helena	Self		✓	
Hope Morrison	Missoula, MT	Please leave prepared testimony with Committee Secretary.	X		
Quinn Leighen	Helena	Univ. of MT (ASUM)		X	
Caitlin Carroll	Helena	self		X	

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 147 J. Hinkle

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

"I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH."

[illegible]

Please leave prepared testimony with Committee Secretary.

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 204 Rep C Hinkle

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

“I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.”

[illegible]

Please leave prepared testimony with Committee Secretary.

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 400 Rep B Mitchell

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

"I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH."

NAME	CITY & STATE	REPRESENTING	Support	Oppose	Informational
Deed Oestlicher	Helena MT	Mt Family Foundation	✓		
Sid Bardske	Helena MT	Self		✓	
Phoebe Howell	Helena, MT	Self		X	
Stu Ross	Helena, MT	McADSV		X	
Khadija Davis	Missoula, MT	ACLU - MT		X	
Evan Fritz	Roundup, MT	Self		X	
ROB WATSON	HELENA, MT	SAM, CAMPS		X	
Amanda Curtis	Helena, MT	MFPE		X	
Robert Filipowich	" "	Self		X	
Greg Chafuen	Helena, MT	Alliance Defending Freedom	✓		
Shawn Reager	Helena, MT	Bridger Care		X	
Caitlin Carroll	Helena, MT	Self		X	
Hannah Allen	Belgrade, MT	Self	✓		
Dylan Dean	Hobson, MT	Self	X		
Dashiell Johnson	Bozeman, MT	Self	X		
Robin Turner	Helena MT	Lyal Vanci		✓	
Catherine Torrey	Bozeman MT	Self	X		
Dylan Stokes	Bozeman MT	Self	X		

Please leave prepared testimony with Committee Secretary.

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 809 Rep B Mitchell

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

“I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.”

[illegible]

Please leave prepared testimony with Committee Secretary.

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 690 Rep B Mercer

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

"I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH."

[illegible]

Please leave prepared testimony with Committee Secretary.

VISITORS REGISTER

SENATE JUDICIARY

APRIL 2, 2025

Bill and Sponsor: HB 665 Rep B. Mercer

PLEASE SIGN IF YOU PLAN TO SPEAK BEFORE THE COMMITTEE
BY SIGNING THIS SHEET YOU AGREE TO THE FOLLOWING STATEMENT:

"I SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH."

[illegible]

Please leave prepared testimony with Committee Secretary.

MINUTES
MONTANA SENATE
69th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) JUDICIARY

Call to Order: Chair Barry Usher-R, on April 03, 2025 at 8:01 AM, in Room 303

ROLL CALL

Members Present: Sen. Barry Usher, Chair (R)
Sen. Andrea Olsen, Vice Chair (D)
Sen. Theresa Manzella (R)
Sen. Laura Smith (D)
Sen. Sue Vinton (R)

Members Excused: Sen. Daniel Emrich (R)
Sen. Cora Neumann (D)
Sen. Vince Ricci (R)

Members Absent: Sen. Gayle Lammers (R)

Staff Present: Julianne Burkhardt, Attorney
Grace Gibney, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 801 03/25/2025
HB 803 03/25/2025
SB 537 03/30/2025
SB 543 03/30/2025
SB 552 03/30/2025

Executive Action:

HB 801
SB 537 DO PASS
SB 543 DO PASS
SB 552 DO PASS
HB 147
HB 267
HB 284
HB 332

HB 388
HB 400
HB 446
HB 480

HEARING ON HB 801 - Provide for the Montana Firearms Liability Clarification Act

Opening Statement:

08:03:14 Rep. Shannon Maness (R), HD 70, opening statement on HB 801, Provide for the Montana Firearms Liability Clarification Act.

Proponent Testimony:

08:06:59 Austin Knudsen, Montana Attorney General

08:08:13 Charles Robinson, Montana Chamber of Commerce

Opponent Testimony:

08:08:43 Al Smith, Montana Trial Lawyers Association

08:09:44 Shannon Henry, Self

Informational Witness Testimony:

None

Questions from Committee:

08:11:57 Vice Chair Andrea Olsen

08:11:58 Al Smith, Montana Trial Lawyers Association

08:16:50 Sen. Theresa Manzella

08:17:03 Austin Knudsen, Montana Attorney General

08:17:52 Sen. Sue Vinton

08:18:30 Austin Knudsen, Montana Attorney General

Closing Statement:

08:20:41 Rep. Shannon Maness (R), HD 70, closing statement on HB 801.

EXECUTIVE ACTION ON HB 801 - Provide for the Montana Firearms Liability Clarification Act

Motion:

08:21:10 Sen. Theresa Manzella moved that **HB 801 BE CONCURRED IN.**

08:21:15 Vice Chair Andrea Olsen

08:21:17 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.

08:21:10 **Carrier Assigned:** Sen. Theresa Manzella

HEARING ON HB 803 - Generally revise asbestos litigation laws

Opening Statement:

08:23:29 Rep. Greg Overstreet (R), HD 88, opening statement on HB 803, Generally revise asbestos litigation laws.

08:24:28 Rep. Greg Overstreet: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=e67e5c8e-b7c6-475a-9110-3d2dd28af161>

Proponent Testimony:

08:30:50 Charles Robinson, Montana Chamber of Commerce: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=c0c5e2d3-c970-4a4b-8047-def4b1b15295>

08:31:41 Mark Bahrens, Montana Chamber of Commerce

08:34:22 Lee Mickus, American Tort Reform Association

08:37:58 Aimee Grmolijez, Crowley Fleck Law Firm

08:38:31 Sonny Capece, Executive Director, Montana Petroleum Association

Opponent Testimony:

08:49:52 Al Smith, Montana Trial Lawyers Association: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=0c6ed2f0-9ce9-4074-8980-43e660044cf8>

08:50:08 Roger Sullivan, Self

08:50:14 Jeff Schepp, Montana VFW

08:50:34 Wagner Harmon, Self

08:56:20 Leslie Kerr, Self

08:58:14 Rep. Steve Gunderson

09:00:41 Karen Hartle, Self

Informational Witness Testimony:

None

Questions from Committee:

09:02:58 Sen. Sue Vinton

09:03:05 Roger Sullivan, Self

09:06:04 Sen. Theresa Manzella

09:06:24 Charles Robinson, Montana Chamber of Commerce

09:07:58 Chair Barry Usher

09:08:07 Charles Robinson, Montana Chamber of Commerce

09:08:27 Sen. Cora Neumann

09:08:50 Al Smith, Montana Trial Lawyers Association

09:10:58 Vice Chair Andrea Olsen

09:11:56 Roger Sullivan, Self

09:14:55 Sen. Theresa Manzella

09:15:19 Mark Bahrens, Montana Chamber of Commerce

09:18:20 Chair Barry Usher

09:18:36 Roger Sullivan, Self

09:18:56 Chair Barry Usher

09:19:43 Jeff Schepp, Montana VFW

09:22:14 Sen. Laura Smith

09:22:22 Roger Sullivan, Self

Closing Statement:

09:25:28 Rep. Greg Overstreet (R), HD 88, closing statement on HB 803.

HEARING ON SB 537 - Generally revise marijuana tax laws

Opening Statement:

09:29:56 Sen. Daniel Zolnikov (R), SD 22, opening statement on SB 537, Generally revise marijuana tax laws.

09:38:20 Sen. Daniel Zolnikov: EXHIBIT - <https://docs.legmt.gov/download-ticket?ticketId=9936182b-a90e-4271-9dd3-2192a46aea8a>

Proponent Testimony:

09:51:00 Jake Brown, Wild Montana

09:51:13 Matt Leow, Backcountry Hunters and Anglers

09:51:27 Matt Leow, Backcountry Hunters and Anglers

09:51:52 Peter Dudley, Montana Audubon

09:52:29 Ella Smith, Montana Coalition to Solve Homelessness

09:52:45 Kayla Bragg, Director, Office of Victim Services, Montana Department of Justice, (DOJ)

09:53:05 Kearstyn Cook, Montana Conservation Voters

09:53:26 Stacy Anderson, Montana Primary Care Association, Rocky Boy Health Center

09:53:29 Hope Stockwell, Coordinator, Sexual Assault Response Network

09:53:59 April Seats, Hope Rescue Mission

09:54:56 Frank Szollosi, Executive Director, Montana Wildlife Federation

Opponent Testimony:

None

Informational Witness Testimony:

10:00:07 Chelsey Gochis, Accounting Manager, Montana Department of Revenue, (DOR)

10:00:26 Eric Dale, Tax Policy and Research, Montana Department of Revenue, (DOR)

Questions from Committee:

10:02:42 Vice Chair Andrea Olsen
10:02:43 Sen. Daniel Zolnikov
10:04:06 Chair Barry Usher
10:05:29 Sen. Daniel Zolnikov
10:05:42 Vice Chair Vince Ricci

Closing Statement:

10:08:58 Sen. Daniel Zolnikov (R), SD 22, closing statement on SB 537.

EXECUTIVE ACTION ON SB 537 - Generally revise marijuana tax laws

Motion:

10:09:13 Vice Chair Vince Ricci moved that **SB 537 DO PASS.**
10:09:23 **Vote:** Motion carried unanimously by voice vote.

HEARING ON SB 543 - Revise judiciary laws

Opening Statement:

10:10:03 Sen. Wylie Galt (R), SD 39, opening statement on SB 543, Revise judiciary laws.

Proponent Testimony:

None

Opponent Testimony:

10:11:02 Margie MacDonald, Big Sky 55+
10:13:55 Al Smith, Montana Trial Lawyers Association
10:15:53 Kristine Glenn, Self
10:19:46 Craig McClure, Northern Plains Resource Counsel

Informational Witness Testimony:

None

Questions from Committee:

10:20:27 Sen. Sue Vinton
10:20:45 Margie MacDonald, Big Sky 55+
10:23:22 Sen. Laura Smith
10:23:40 Al Smith, Montana Trial Lawyers Association
10:24:31 Sen. Daniel Emrich
10:27:17 Sen. Theresa Manzella
10:27:19 Sen. Wylie Galt
10:32:42 Chair Barry Usher
10:33:03 Sen. Wylie Galt

Closing Statement:

10:33:49 Sen. Wylie Galt (R), SD 39, closing statement on SB 543.

EXECUTIVE ACTION ON SB 543 - Revise judiciary laws

Motion:

10:34:01 Vice Chair Vince Ricci moved that **SB 543 DO PASS.**
10:34:03 Vice Chair Vince Ricci
10:34:42 Sen. Laura Smith
10:34:45 Sen. Daniel Emrich
10:35:38 Vice Chair Andrea Olsen
10:38:33 Chair Barry Usher
10:38:37 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.

HEARING ON SB 552 - Generally revise criminal justice laws

Opening Statement:

10:41:25 Chair Barry Usher (R), SD 19, opening statement on SB 552, Generally revise criminal justice laws.

Proponent Testimony:

10:44:08 Kent Sipe, Fergus County Attorney

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:46:08 Sen. Laura Smith

10:53:36 Sen. Barry Usher

Closing Statement:

10:53:44 Chair Barry Usher (R), SD 19, closing statement on SB 552.

EXECUTIVE ACTION ON SB 552 - Generally revise criminal justice laws

Motion:

10:54:04 Vice Chair Vince Ricci moved that **SB 552 DO PASS.**

10:54:10 Vice Chair Andrea Olsen

10:56:12 **Vote:** Motion carried 7 - 1 in the Senate with Sen. Olsen, voting no.

EXECUTIVE ACTION ON HB 147 - Revise laws related to covenants to provide definition of enforcement action

Motion:

11:27:31 Vice Chair Vince Ricci moved that **HB 147 BE CONCURRED IN.**

11:29:48 Vice Chair Andrea Olsen

11:30:50 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.

11:27:31 **Carrier Assigned:** Sen. Daniel Emrich

EXECUTIVE ACTION ON HB 267 - Revise DUI laws related to enacting Bobby's law

Motion:

11:31:56 Vice Chair Vince Ricci moved that **HB 267 BE CONCURRED IN.**

11:31:59 Sen. Daniel Emrich

Motion:

11:32:34 Sen. Sue Vinton moved that **HB 267 BE AMENDED HB0267.002.002.**

11:33:17 **Vote:** Motion carried unanimously by voice vote.

Motion:

11:33:35 Vice Chair Vince Ricci moved that **HB 267 BE CONCURRED IN AS AMENDED.**

11:33:43 **Vote:** Motion carried 6 - 2 in the Senate with Sen. Emrich, Sen. Olsen, voting no.

11:33:35 **Carrier Assigned:** Sen. Sue Vinton

EXECUTIVE ACTION ON HB 284 - Establish an interim committee to investigate civil rights violations and censorship within the MUS

Motion:

11:35:53 Vice Chair Vince Ricci moved that **HB 284 BE CONCURRED IN.**

11:41:03 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.

11:35:53 **Carrier Assigned:** Sen. Theresa Manzella

EXECUTIVE ACTION ON HB 332 - Generally revise youth court laws

Motion:

11:42:36 Vice Chair Vince Ricci moved that **HB 332 BE CONCURRED IN.**

11:43:47 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.

11:42:36 **Carrier Assigned:** Sen. Sue Vinton

EXECUTIVE ACTION ON HB 388 - Create pregnancy center autonomy and rights of expression act

Motion:

11:47:56 Vice Chair Vince Ricci moved that **HB 388 BE CONCURRED IN.**
11:47:00 Sen. Cora Neumann
11:48:02 Sen. Daniel Emrich
11:50:36 Sen. Laura Smith
11:54:33 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.
11:47:56 **Carrier Assigned:** Sen. Sue Vinton

EXECUTIVE ACTION ON HB 400 - Enact the "Free to Speak Act"

Motion:

11:57:51 Vice Chair Vince Ricci moved that **HB 400 BE CONCURRED IN.**
11:57:53 Vice Chair Andrea Olsen
11:57:55 Sen. Daniel Emrich
11:58:24 Sen. Cora Neumann
11:59:02 Sen. Theresa Manzella
12:00:41 Sen. Sue Vinton
12:01:41 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.
11:57:51 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 446 - Revise indecent exposure laws

Motion:

12:03:11 Vice Chair Andrea Olsen moved that **HB 446 BE CONCURRED IN.**
12:03:12 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.
12:03:11 **Carrier Assigned:** Sen. Vince Ricci

EXECUTIVE ACTION ON HB 480 - Revise when a party in a proceeding is entitled to jury trial

Motion:

12:05:16 Sen. Sue Vinton moved that **HB 480 BE CONCURRED IN.**

Motion:

12:05:20 Sen. Sue Vinton moved that **HB 480 BE AMENDED HB0480.001.001.**

12:07:27 Vice Chair Andrea Olsen

12:08:25 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.
Sen. Neumann, By Proxy

Motion:

12:09:19 Sen. Theresa Manzella moved that **HB 480 BE CONCURRED IN AS AMENDED.**

12:09:30 **Vote:** Motion carried 5 - 3 in the Senate with Sen. Neumann, Sen. Olsen, Sen. Smith, voting no.
Sen. Neumann, By Proxy

12:09:19 **Carrier Assigned:** Sen. Barry Usher

ADJOURNMENT

Adjournment: 12:15:55

Secretary: Grace Gibney

Additional Documents:

Proxys - <https://docs.legmt.gov/download-ticket?ticketId=6f768b7d-8caa-45ce-92ae-71eaa1edef95>

Visitor Logs - <https://docs.legmt.gov/download-ticket?ticketId=19c6cdab-8c0e-41f2-a816-faaa033422d2>

SENATE PROXY

I, Senator ~~St. George~~ Smith, hereby authorize Senator Smith to vote my proxy before the Senate Judiciary meeting held on 4/3/25, 2025.

Date _____

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]